

REMARKS

Claims 1-60 are all the claims pending in the application. Applicants thank the Examiner for acknowledging Applicants' claim for foreign priority and receipt of the certified priority document. Applicants also thank the Examiner for indicating acceptance of the drawings, and for considering the references provided in the April 24, 2001 and July 6, 2004 Information Disclosure Statements.

Rejection of the Claims:

Claims 1-60 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Durett (U.S. Patent No. 5,964,830) in view of Kang (U.S. Patent Publication 2001-10051925) and/or Official Notice. Applicants respectfully traverse this rejection.

Claim 1 recites, *inter alia*,

“performing a first comparison between first information associated with said first biometric feature obtained by the measurement and second information associated with biometric features of registered users which have been previously registered;

distributing a content ~~only~~ when a match is made as a result of said first comparison;

measuring at the time of reproduction of the content distributed in said content distribution-~~step~~, a second biometric feature of a person who requests a content reproduction;

performing a second comparison between third information associated with said second biometric feature obtained by the measurement and said first information ...”

As such, a comparison of biometric information is made when content is distributed, and a second comparison is made when the distributed content is reproduced. This feature, for

example, allows for control of reproduction of content to the original owner who caused the content to be distributed, or to another authorized person (see for example, the second embodiment of the invention on page 23 of the present specification).

The Examiner states that the first comparison of biometric information is disclosed at col. 5, lines 3-10, and col. 6, lines 4-12 of Durrett. Durrett generally discloses a user portal device for accessing the Internet. These sections of Durrett cited by the Examiner do show use of a fingerprint to enable a local computer 10. However, for the second comparison, the Examiner acknowledges that Durrett does not disclose that the downloaded/distributed content can be redistributed to another user, causing the other user to perform authentication prior to reproducing the content.

Nonetheless, the Examiner states that Official Notice is taken utilizing users, retailers, or immediate service providers to re-distribute digital contents over the Internet are well known, citing Kang. Applicants respectfully traverse this rejection.

First, Durrett is only related to a user using a fingerprint identification to access a virtual disk server or for activating the local computer (a first comparison). There is no suggestion of a second comparison when reproducing the contents. That is, in Durrett, a user logs into an access provider (virtual disk server)¹ via a fingerprint key 13A (see col. 5, lines 45-51). Once the user has access to the data stored in the access provider computer, there is no disclosure or suggestion of a second authentication needed to transfer or reproduce the data. Rather, once access is

provided via a first authentication, a user is able to reproduce data at anytime, without additional safeguards.

The Examiner also incorrectly recites the features of claim 1. For example, claim 1 recites distributing a content only when a match is made of said first comparison. The Examiner, on the other hand, uses the term “*accessing* a content” The two terms have separate meaning, and the Examiner is requested to explain the *distribution* of the content. For example, Durrett discloses that without the assistance of a virtual disk server and its non-volatile storage, the user portable device is unable to form an OCO sufficiently capable of accessing web site servers and utilizing their content (see col. 1, lines 59-65). The operation of the virtual disk server is explained in Figures 6A-6D. No where in this description is there a suggestion that once the portable device has accessed the virtual disk server and obtained its OCO’s, is an authorization required to distribute information from a web server as argued by the Examiner on page 3, second paragraph of the Office Action. As such, Durrett does not disclose both a first and second comparison and match as recited in claim 1.

With respect to the Official Notice and the use of Kang, Kang does not does not disclose both a first and second comparison and match as recited in claim 1. Kang is related to a method for “superdistribution” of digital contents. In Kang, a first user computer 120 can *freely distribute* the paid digital contents to another user (paragraph 0029). In this case, digital contents that have not been paid for can be re-distributed. As such, in Kang, there is no authorization at

¹ Col. 1, lines 36-40 describe the three types of computers used in the invention, including user portal devices, virtual disk server, and web site server.

the time of reproduction as recited in claim 1. Rather, the data is reproduced, and then if a second user wants to use this reproduced data, they are directed to a web server to make payment. Because of the reproduction by the first user to the second user, the first user can obtain a commission. Thus, the Kang distribution method is not similar to the features recited in claim 1. Thus, claim 1 is allowable for this reason as well. The same reasons for allowance of claim 1 apply to claim 4.

With respect to claims 8 -11, and 17-20, they are allowable for the same reasons above. Further, with respect to the rejection of claims 10 and 11, the Examiner is kindly requested to provide a reference that is combinable with the cited references to support the "Official Notice." Applicants note that Examiner's similar reasons for rejection of claims 4-7, 12-16, 18, 19, and 21-60 stated in paragraph 10, and likewise, note that the claims are allowable for the aforementioned reasons.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. Application No. 09/840,269

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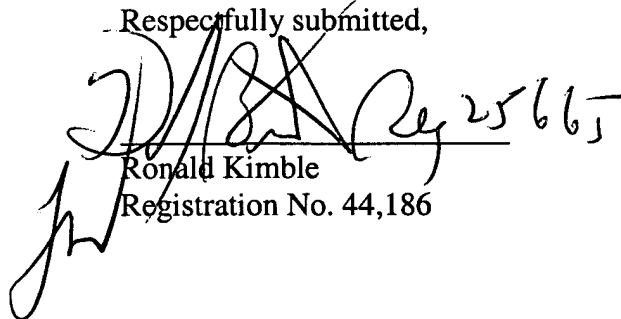
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